

# United States District Court

for the  
Western District of New York

United States of America

v.

Case No. 18-mj-1021

CARLOS FRANCISCO LOPEZ

*Defendant*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

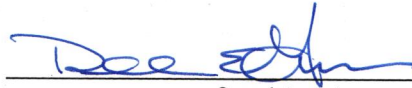
From on or about January 15, 2018, to on or about January 19, 2018, in the Western District of New York, and elsewhere, the defendant, CARLOS FRANCISCO LOPEZ, did:

- (1) using the mail and any facility and means of interstate and foreign commerce, did knowingly attempt to persuade, induce, entice and coerce an individual who has not attained the age of 18 years to engage in sexual activity for which any person can be charged with a criminal offense, to wit, California Penal Code Section 261.5(c); and
- (2) knowingly attempt to transport an individual who had not attained the age of 18 years in interstate and foreign commerce, with intent that the individual engage in any sexual activity for which the defendant can be charged with a criminal offense, to wit, California Penal Code Section 261.5(c);

all in violation of Title 18, United States Code, Sections 2422(b) and 2423(a) and (e).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.



*Complainant's signature*

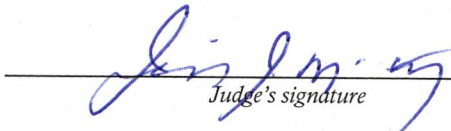
Randall E. Garver, Special Agent, FBI

*Printed name and title*

Sworn to before me and signed in my presence.

Date: January 19, 2018

City and State: Buffalo, New York



*Judge's signature*

HON. JEREMIAH J. MCCARTHY, USMJ

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF A COMPLAINT**

I, Randall E. Garver, after being duly sworn, depose and state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation and entered on duty in May 2006. I am currently assigned to the Buffalo Field Office and work on cases associated with the Violent Crimes Against Children program, which targets individuals involved in the online sexual exploitation of children. As part of these duties, I have become involved in the investigation of suspected violations of Title 18, United States Code, Sections 2251, 2252, 2252A, 2422, and 2423. I have also participated in various FBI mandated and volunteer training for the investigation and enforcement of federal child pornography laws in which computers are used as the means for receiving, transmitting, and storing child pornography.

2. I make this affidavit in support of a criminal complaint charging CARLOS FRANCISCO LOPEZ ("LOPEZ"), with a violation of Title 18, United States Code, Sections 2422(b) [Attempted Enticement of a Minor] and 2423(a) and (e) [Attempted Transportation of a Minor to Engage in Criminal Sexual Activity].

3. The statements contained in this affidavit are based on my involvement in this investigation, as well as information provided to me by other law enforcement officers in this investigation, and upon my training and experience as a Special Agent of the FBI. Because this affidavit is being submitted for the limited purpose of seeking a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth

only the facts necessary to establish probable cause to believe that LOPEZ did knowingly violate Title 18, United States Code, Sections 2422(b) and 2423(a) and (e).

4. On or about January 16, 2018, City of Tonawanda (New York) Police Department received a request to conduct a welfare check on a 15 year old girl (hereinafter "Victim") who was reported to have got onto a bus to run away from home. Police officers located the bus in Tonawanda, stopped it, and located Victim who was a passenger. Victim told officers she was running away from home and intended to travel to California to visit family there. Later, at the police station, Victim told officers her uncle purchased a bus ticket for her. She subsequently commented that the entire situation was "sketchy". When the interviewing officer asked for details, Victim said she met an unknown individual online and communicated with him on Kik and TextFree, both internet-based communication applications. Victim said it was that unknown individual who purchased her bus fare and she intended to go to Los Angeles, California to stay with him.

5. Later the same day, Victim was again interviewed by law enforcement and told officers she was running away from home to meet with an individual she met just this week on Kik. Victim said she found a runaway youth group on Kik and soon thereafter met an individual who used Kik username playfulchaos (subsequently identified as LOPEZ). When Victim advised she wanted to get out of her home, playfulchaos advised he would pay for her to travel to California to stay with him. They discussed having sex as well. The below detailed conversation took place, as indicated, over the Kik and TextPlus applications.



6. On or about January 15, 2018, playfulchaos used Kik to write Victim, "are you serious about wanting to runaway?...I can help if youre interested". Victim advised she was interested and playfulchaos responded, "I can provide transportation and let you stay with me". Victim asked, "is this sex trafficking or anything" and playfulchaos wrote it is not, stating he was "just a single guy from Los Angeles." Victim asked for playfulchaos' age and he advised he was 28 (which is LOPEZ's true age) and wrote that he could get her to California stating: "...the safest way would be to get you a bus ticket and I would send an uber to pick you up from the station". Victim asked for a picture and playfulchaos replied, "once I am confident you are not a cop or trying to set me up lol". Victim sent a picture of her face and playfulchaos sent two pictures of his. Victim advised she would like to get on the bus to California as soon as possible and playfulchaos asked, "you're single right?" Victim wrote back, "yes but the thing is I don't know if I feel comfortable having sexual relations". Playfulchaos asked "have you ever" to which Victim advised "yes". Playfulchaos then wrote, "Ok. Basically we would be dating...so it's not like youd be having sex with a random guy". Victim seemed to agree, stating: "I suppose...it's just that you're so much older". The two then went on to discuss which day during the week is most feasible and Victim's problems at home. Playfulchaos then asked, "are you on birth control" and Victim replied she is. Playfulchaos asked Victim to download TextFree because "when I'm at work, the phone I use doesn't let me use kik...my work phone is a flip phone". Playfulchaos told Victim his phone number is (310) 227-1555. Playfulchaos told Victim to text him to "plan this out" since he was returning from a lunch break (and therefore would only have his "flip phone", so would not have access to Kik, which requires a smartphone/tablet). Playfulchaos concluded,

“Just...Trust me...I’m not playing games or just trying to get pics from you lol”.

7. On or about January 15, 2018, the conversation continued over TextFree with Victim writing, “hey...it’s me from kik.” Playfulchaos (using 310-227-155) replied, “so how old are you?” Victim replied that she was almost 16. Playfulchaos then asked if Victim had access to a printer and stated, “I am going to buy you a ticket which youll need to print from your email.” Victim asked if he could purchase a ticket for “tomorrow or tonight” and playfulchaos advised that Victim should check Greyhound. Playfulchaos advised, “tomorrow would be better though. Unless you can use your parents card to buy it online”. Victim replied she could not purchase her own bus fare.

8. Also on or about January 15, 2018, over Kik, playfulchaos wrote, “Ok I have my regular phone back for a couple minutes...tomorrow works best...try to find a ticket that would have you arriving around 10pm in los angeles”.

9. On or about January 16, 2018, over Kik, playfulchaos asked Victim “so are you really serious about this? I have had people flake out of me before...And this isnt exactly cheap lol”. Victim replied that she is and playfulchaos asked for her name, address, phone number, and email address for the ticket. Victim wrote that she was excited and this seemed too good to be true. Victim then expressed worry that the police will track her down if she used all her true information. Playfulchaos wrote “they won’t check if you print it out yourself...create a disposable email just in case.” Playfulchaos continued, “I can input a fake

name later but I need your name and your real address.” Victim advised she would provide the information later and playfulchaos wrote, “Seriously? Whatever then”. Victim then wrote she was “just worried I’m getting involved in something sketchy...but whatever fuck it” and sent her true name and address. Playfulchaos advised, “Its not what you think...I just don’t want to be scammed...I mean seriously its happened before.” Victim replied that she was not scamming him and that she did not want to be found. Playfulchaos then replied, “I dont want you to be found either lol...that would mean prison.” They then discussed when Victim may sneak out of her house or leave school. Playfulchaos asked Victim about taking an Uber to the Greyhound bus station and whether she had an Uber account she could use to pay for the trip. Victim advised her account was tied to a family member’s debit card with no money on it. Playfulchaos wrote, “lol they [won’t] be able to check until its too late”.

10. Later on January 16, 2018, over Kik, Victim wrote playfulchaos “I really need this...if you don’t answer soon I’m gonna have to ask someone else”. Playfulchaos replied that he was asleep but that “Im going to bring you for sure.” Victim asked that playfulchaos purchase a ticket for a bus that leaves the same day because “if I don’t leave today then I might change my mind...please let me leave today.” Victim sent playfulchaos an image of a bus itinerary; he subsequently advised he would prefer Victim depart this Friday or Saturday (January 19 or 20, respectively) because “it would be a lot less risky”. Victim replied that her home life was abusive and wrote, “I promise I will do whatever it takes for it to not be risky.” Playfulchaos asked, “physically? or sexually?” Victim replied physically and advised that today (Tuesday, January 16) is the only day she could depart. Playfulchaos wrote that his



family is sometimes around on Mondays – Thursday, which is why he wished for her to arrive Friday or Saturday. Victim replied that he should just tell his family that she is a friend. Victim states she could avoid going to playfulchaos' house until the "coast is clear". Victim advised she has family in California and playfulchaos offered to purchase the ticket for her if she will "tell me your family will let you stay at their place occasionally". Victim replied her family will allow her to stay with them sometimes and playfulchaos stated that Victim's extended family is near his residence. Playfulchaos then asked for Victim's email address for the ticket and asked that she get to the bus station on her own (presumably because in the middle of the day, playfulchaos cannot use his smart phone/device and only has the "flip phone", so he cannot use Uber). Victim asked, "can I use your card?" to which playfulchaos replied, "no because then they could track me." Victim offered, "they won't know its me...I'm making a fake account." Playfulchaos replied, "trust me...I almost got caught last time like that." Playfulchaos then told Victim to use her family member's card to get the Uber, and wrote, "It doesn't matter that they know you got on a greyhound because I put your ticket under a fake name...." Victim replied, "no money on her card" and playfulchaos wrote, "can you take a regular bus? Im serious...Im doing everything I can here. This is not much to ask." Victim replied she can; later she wrote, "I'm taking a bus there" (to the Greyhound station) and wrote, "I have to steal money". Playfulchaos wrote, "Ok I just bought the ticket" and sent a link to a Greyhound ticket which the FBI later viewed and printed. The ticket shows travel from Buffalo, New York, to Los Angeles, California. Playfulchaos asked that Victim ensure the link works and asked if she is "happy now?" Victim replied she is "...figuring everything out." Playfulchaos then wrote, "Lol ok...can I see

another pic of you? Without clothes this time?" Victim wrote that she did not know how much to pack for the trip or if she should leave school early. Playfulchaos told Victim to bring her birth certificate because it would be beneficial later. Victim advised she cannot access it and wrote that she was leaving school early to pack and then depart. Playfulchaos replied, "Ok. Send me the pics I asked for ok?" Victim replied, "I will" and wrote that she almost got caught leaving school early. Later in the afternoon, playfulchaos wrote that Victim should message him only on Kik because one of his employees had his work phone.

11. On or about January 18, 2018, a law enforcement officer acting in an undercover capacity (hereinafter "UC") posed as Victim to continue to communicate with LOPEZ over Text Free. The UC wrote, "hey u there...this bus ride sucks." The UC stated that she was currently in Kansas and that WiFi on the bus was broken. The UC stated she was due into California around 10:00 pm on January 19, 2018 and asked what to do upon arrival. LOPEZ (using 310-227-1555) replied, "call me or text me. Wait at the station, and ill send an uber." The UC wrote, "Hope u make this shitty bus ride worth it, I need a massage" to which LOPEZ replied, "Lol we will have all night." The UC asked, "what do you have planned for me babe. I'm so lonely right now on I'm his creepy bus." LOPEZ replied, "you already know" and the UC wrote, "your making me blush".

12. On or about January 19, 2018, the UC and LOPEZ continued the above conversation over TextFree when LOPEZ (using 310-227-1555) asked, "out of curiosity...Are you into girls at all?" The UC wrote, "Hi babe, u mean like sex with girls??" LOPEZ replied,



“Yeah...like would you be open to having a threesome?” The UC wrote back, “Yeah that could be hot lol”. LOPEZ then asked, “so you’re into girls too?” The UC replied, “I never have but it could be hot so why not right.” LOPEZ then wrote, “Lol ok...Maybe we can record it.” The UC replied, “sure. Whatever. U ever do that before cuz I’m new to it.” LOPEZ wrote back, “Yeah I’ve done it before. I’m asking if you would be ok with it though.” The UC replied, “Yes I guess just nervous tho. That’s all...how old is the other girl like my age?” LOPEZ replied, “nervous why?...Yeah”. The UC explained she has never done anything like that but stated, “I guess I’ll do anything as long as I don’t get pregnant.” LOPEZ then asked, “what’s your favorite position?” to which the UC replied, “I think u have to [teach] me some, I only did it like twice.” LOPEZ asked, “Seriously?” The UC stated the she only had one boyfriend “but he said I was good at it.” When LOPEZ asked the last time Victim had sex and why only twice, the UC replied that it was around the previous Christmas and that her boyfriend “liked blowjobs allot.” LOPEZ replied, “so do i.” The UC then wrote, “Me toooooo...I’m getting horny.” LOPEZ wrote back, “me too lol.” The UC wrote that she will be in Las Vegas around 3:00 pm.

13. On or about January 17, 2018, the FBI served an administrative subpoena with emergency disclosure to T-Mobile for phone number (310) 227-1555. Officials at T-Mobile informed the FBI that the number is subscribed to by Sami’s Sports at an address in Los Angeles, California. An FBI intelligence analyst then ran telephone number (310) 227-1555 through an open source investigative database and found the number is associated with Sami’s Sports and “Carlos Lopez Jimenez”, date of birth 04/XX/1989 (redacted), address

located in Los Angeles, California 90016. The analyst then queried the National Crime Information Center (NCIC) regarding LOPEZ and discovered that he is listed as an active sexual offender by the state of California. NCIC's sexual offender profile lists the same above address for LOPEZ, lists his employer as "Sami's Sports" and lists his contact phone number as (310) 227-1555. The analyst then queried the state of California's Megan's Law sexual offender registry found it lists LOPEZ as a level 5 (moderate – high risk) sexual offender. The website shows he violated California penal code 288(a), which makes it illegal to engage in oral copulation with a child under the age of 14. The site shows that LOPEZ was convicted of the offense in 2011 and released from prison in 2016. The website also lists LOPEZ's address in Los Angeles, California, 90016.

14. On or about January 18, 2017, in response to an administrative subpoena, officials at Kik informed the FBI that username playfulchaos, display name "chaos s", lists email account pp3d22@gmail.com. However, it should be noted that the email address is "unconfirmed" meaning Kik has never communicated with the user of playfulchaos over the email account. The subpoena return also showed that during the period of communication with Victim, the subject Kik account was accessed from multiple IP address, several of which are held by T-Mobile. However, there are IP addresses from which the target Kik account was accessed that are held by Spectrum/Time Warner Cable and Charter Communications. At the time of this writing, the FBI is still waiting for those companies to provide the requested information (requested on January 18, 2018).

15. As stated above, playfulchaos sent Victim two images of his face. The FBI compared these images with the picture of LOPEZ on file with the State of California's Megan's Law sexual offender registry webpage. In my opinion, the images (those from Kik and that on file with California) are the same individual: LOPEZ. Further, an FBI Agent in Los Angeles advised your affiant that LOPEZ is an active parolee. The Agent stated that she spoke to LOPEZ's parole officer, who informed her that in November 2017, the parole office received a lead indicating that LOPEZ purchased a Greyhound bus ticket for a 13 year old female resident of Dallas, Texas to travel to California to visit him.

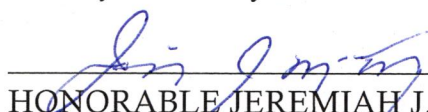
16. It is a violation of California Penal Code Section 261.5(c), unlawful sexual intercourse, to engage in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator. A minor is defined as a person under the age of 18 years.

17. Based upon the foregoing, I respectfully submit that there is probable cause to believe that CARLOS FRANCISCO LOPEZ has violated Title 18, United States Code, Sections 2422(b) and 2423(a) and (e).



Randall E. Garver, Special Agent  
Federal Bureau of Investigation

Sworn to and subscribed to before me this  
19<sup>th</sup> day of January 2018

  
HONORABLE JEREMIAH J. MCCARTHY  
United States Magistrate Judge